
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

THOMAS ALLAN DUCAT,

Petitioner,

versus

TEXAS COURT OF CRIMINAL APPEALS,

Respondent.

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CIVIL ACTION NO. 1:06-CV-147

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Thomas Allan Ducat, formerly an inmate at the Cleveland Correctional Center, proceeding *pro se*, brought this petition for extraordinary relief pursuant to 28 U.S.C. § 1651.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the above-styled action should be dismissed for lack of subject-matter jurisdiction.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Petitioner's objections are without merit. Furthermore, Petitioner has filed a notice of change of address revealing he has been released from confinement. Therefore, the issue of an alleged conflict in state law concerning the mandatory supervision statutes is moot with respect to Petitioner.

ORDER

Accordingly, Petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 6th day of November, 2006.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE